

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TERI M. JAGIELO,

Case No. 09-CV-11565

Plaintiff,

Hon. John Corbett O'Meara

v.

VAN DYKE PUBLIC SCHOOLS,
and ED FUHS,

Defendants.

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ORDER OF PARTIAL DISMISSAL

On April 27, 2009, Plaintiff filed a two-count complaint alleging violations of Title VII of the Civil Rights Act of 1964 in Count I and damages and losses associated with assault and battery and unwelcome physical and emotion acts imposed by defendant Ed Fuhs with the knowledge of defendant Van Dyke Public Schools in Count II. The parties to this action are not diverse.

Although Count I is cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present claims based on state law. This court declines to exercise supplemental jurisdiction over Plaintiff's state law claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Accordingly, **IT IS HEREBY ORDERED** that Count II of Plaintiff's complaint is **DISMISSED**.

Date: August 5, 2009

s/John Corbett O'Meara
United States District Judge

I hereby certify that a copy of this order was served upon the parties of record on this date August 5, 2009, via CM/ECF and/or ordinary mail.

s/William Barkholz
Case Manager